

REMARKS

Reconsideration of the present application is respectfully requested. This amendment places the claims in better condition for allowance or appeal and, therefore, is appropriate for entry under 37 C.F.R. § 1.116.

Summary of Office Action

Claims 8-15, 17-30, 35, 37 and 38 stand allowed.

Claims 31-33, 36 and 39 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent no. 5,452,115 of Tomioka in view of "Optical Networks: a Practical Perspective," of Ramaswami et al., and US patent number five, 892, 916 of Gehlhaar et al.

Discussion of Rejections

In this amendment, claims 23 and 24 (allowed) have been amended only to place them in a form that applicants prefer. The amendment is not thought to alter the indicated allowability of those claims.

In addition, all of the rejected claims (31-33, 36 and 39) have been canceled. The cancellation of these claims is not to be interpreted as agreement with, or acquiescence to, the rejection or as waiving any argument regarding such claims. Applicant reserves the right to pursue these claims in a continuation.

All claims that remain pending are therefore thought to be allowable.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2207, under Order No. 672728072US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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